



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Takuya TSUKAGOSHI et al.

Group Art Unit: 2872

Application No.: 10/583,604

Examiner: A. LAVARIAS

Filed: June 20, 2006

Docket No.: 128482

For: HOLOGRAPHIC MULTIPLEX RECORDING METHOD, AND HOLOGRAPHIC
RECORDING APPARATUS AND HOLOGRAPHIC RECORDING MEDIUM
EMPLOYING THE METHOD

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the September 10, 2008 Restriction Requirement, Applicants provisionally elect Group I, claims 1 and 5, with traverse.

National stage applications filed under 35 U.S.C. §371 are subject to unity of invention practice as set forth in PCT Rule 13, and are not subject to U.S. restriction practice. *See* MPEP §1893.03(d). PCT Rule 13.1 provides that an "international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept."

A lack of unity of invention may be apparent "*a priori*," that is, before considering the claims in relation to any prior art, or may only become apparent "*a posteriori*," that is, after taking the prior art into consideration. *See* MPEP §1850(II). Lack of *a priori* unity of invention only exists if there is no subject matter common to all claims. If there is subject matter common to all the claims, a lack of unity of invention may only be established *a posteriori* by showing that the common subject matter does not define a contribution over the prior art.